



**ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

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**Regular Session Minutes**

**November 13, 2009**

**Board Members Present:** Rebecca Grabski, OTA Vice-Chair  
Laura Beckman, OTR Member  
Christine Rosenberg, OTR Member  
John Tutelman, Public Representative

**Board Members Not Present:** Deborah Devine, Public Representative

**Staff Present:** Wendy H. Hammon Executive Director  
Vicki Egurrola, Administrative Assistant

**Legal Representative:** Montgomery Lee, Assistant Attorney General

**Call to Order**

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:37 p.m. Rebecca Grabski, Vice Chair presiding.

**Roll Call**

All Board members were present with the exception of Deborah Devine.

**Approval of Minutes**

**Regular Session Minutes of October 9, 2009**

There were several small changes to the minutes and the Board requested that a couple paragraphs be re-written. As such these minutes will be reviewed at the December meeting.

**Declaration of Conflicts**

No declarations were made.

**Review Meeting Schedule**

The Board confirmed the next meeting dates as December 4<sup>th</sup> and January 8<sup>th</sup>.

**a. Initial Review of Complaints**

**1. Nicole Kell, 09-OT-4332**

Ms. Kell was not present for the review of this complaint. Staff confirmed that she had been notified.

Michelle Baio was present and represented Lauren's Institute for Education.

After considerable questions and answers regarding the facts of this complaint, Rebecca Grabski moved to take this matter to the formal interview level. The motion was seconded by Laura Beckman and passed 4-0.

**2. Shaaron Hunter, 09-OT-3058**

Ms. Hunter was present and available for questions from the Board. Paula and Stefan Cseh were also present representing Ms. Hunter's employer Aspire Therapy. They are the owners of Aspire Therapy. Finally Amy Gallagher was present and requested to speak on behalf of Ms. Hunter since she was a former employer of Ms. Hunter. Ms. Konerko, who filed the complaint, was not present. Staff confirmed that Ms. Konerko had been notified.

After considerable questioning of those individuals present, John Tutelman moved to dismiss the complaint. The motion was seconded by Christine Rosenberg and passed 4-0.

**b. Formal Interview**

**1. Susan Nesbit, 09-OT-4090**

Ms. Nesbit was not present. Ms. Amy Gallagher, who filed the complaint against Ms. Nesbit was present. The Board questioned Ms. Gallagher and after careful consideration John Tutelman moved to set this matter for formal hearing citing A.R.S. 32-3401.10.I,o,q,u,and y as the basis for the motion. The motion was seconded by Laura Beckman and passed 4-0. Board staff were directed to work with the Attorney General's Office is establishing this hearing. To meet the requirement of the statute the hearing will be set for January.

**b. Complaint Action Status Report**

Board staff advised the Board that the quarterly courtesy reminder letters had gone out to those individuals having consent agreements with outstanding items.

**Matthew Strang, 09-OT-4134** – There is nothing new to report on Mr. Strang.

**Shannon Brown, 08-011-C** – There is no new activity on this case.

**Darryl Ramsey, 09-OT-1548** – Board staff reported that Mr. Ramsey's letter of concern had been issued which will close this complaint.

**Sarah Perkins, 09-OT-3945** – The Executive Director reported that Ms. Perkins had complied with her consent agreement and recommended closing this complaint. John Tutelman moved to close the complaint. Rebecca Grabski seconded the motion and it passed 4-0.

**Daniel Scott, 09-OT-3965** – Board staff reported that technically Mr. Scott had complied with his consent agreement but had the Board review his letter. The Board discussed the letter and its content and determined that more guidance should be given to individuals required to send letters regarding practicing without a letter. After careful consideration of the matter, the Board determined that Board staff should review and approve the letters prior to the licensee sending them out. Laura Beckman moved that this complaint be closed but that a letter be sent to Mr. Scott regarding his letter. Christine Rosenberg seconded the motion and it passed 4-0.

**Karen Rice, 09-OT-1688** – Staff reported that Ms. Rice had complied with her consent agreement and recommended closing this complaint. Rebecca Grabski moved to close the complaint. John Tutelman seconded the motion and it passed 4-0.

**Bert Guy, 09-OT-1732** – Staff reported that the required letter of concern had been issued to Mr. Guy and recommended closing this complaint. John Tutelman moved to close the complaint which was seconded by Rebecca Grabski. The motion passed 4-0.

**Janet Hicks, 09-OT-2016** – This complaint is scheduled to be heard in December.

At this point the Board took a brief recess and resumed the meeting at 3:05 p.m.

**Roger Reyes** – Board staff reported that during a file review it had been discovered that Mr. Reyes was to have received a letter of concern but it appeared that one was never issued. Due to the fact that the Board had already voted to issue the letter, staff was directed to prepare and issue the letter.

**Substantive Review, Discussion, and Vote Re: Applications for Licenses as Follows:**

**a. Initial Application**

John Tutelman moved to approve the initial applications. Laura Beckman seconded the motion and it passed 4-0.

Mariesa Caliguire	Kinberly Graef	Andrea Hebert	Jacqueline Mallia
Brady Martin	Therese Mastrangelo	Peter Muriithi	Gary Osses
Shari Pleiter	Tara Sather	Aimee Scafaria	Sharon Taylor
Anne Toy	Shelly Unruh	Jenna Verelius	Therese Willman

**b. Renewal of Licenses**

Rebecca Grabski moved to approve the renewal licenses with the exception of Ty Pehrson. John Tutelman seconded the motion and it passed 4-0.

Augusto Aranguren	Pamela Barker	David Baxter	Amy Betts
Tim Bielefeld	Barbara Bollinger	Marilyn Cabay	Diana Chapin-Tsai
Denise Churchill	Michelle Cole	Laura Comfort	Lynn Connor
Jacqueline Conway	Merrisue Corris	Kristin Cramer	Colleen Crook
DuWayne Crook	Janice Dedrich	Cody Deguzman	Claudia Dickson
Rebecca Dillard	Suzanne Dodd	Jodi Duecker	Kimberly Edwards
La Lana Fennell	Susan Fetter	Sara Fleishman	Patricia Fox
Teri Friedland	Kimberly Fritz	Martin Glowski	Nancy Gruenhagen
Marguerite Haar	Michael Hacker	Victoria Harris	Brenda Hubbell
Rebecca Hydrick	Lynn Johnson	Deborah Kinsey	Donald Loscheider
Jennifer Lutton	Lucille Mancuso	Paulette Marino	Erik Markoff
Claudia Martinez	Helen Marx	Michelle McGinnis	Rowena Christine Mesola
Denise Miller	Randy Moore	Julianne Nienas	Thomas O'Hara
Delores Parks	Ada Pastor	Ty Pehrson	Lane Petri
Bernadette Pierson	Nancy Pruter	Catherine Quiroz	Cheryl Ray
Nancy Reyes	Albert Rodriquez	Cuyler Romeo	Rosanna Ruiz
Charlotte Satterwaite	Angela Savage	Rebecca Schmotzer	Janet Seidl
Dana Seiss	Tania Shearon	Kristine Smith	Lynn Strom
Charles Stuart	Lori Taylor	Kristina Thomas Beaver	Mary Jo Todd
Valerie Van Vianen	Angelica Vogelsang	Marty Wilcox	Anne Zimmerman

John Tutelman moved to grant a license to Mr. Ty Pehrson which was seconded by Rebecca Grabski. The motion passed 4-0.

Mr. Pehrson was present and available to answer question from the Board regarding his failure to timely renew his licenses. After discussion regarding this matter, John Tutelman moved to issue a consent agreement to Mr. Pehrson. The motion was seconded by Laura Beckman and passed 4-0.

### **c. Limited Permits**

There were no limited permits requested in November.

### **Review, discussion and Possible Action on Administrative Matters**

#### **a. Revenue and expenditure report**

The Board reviewed and discussed the revenue and expenditure report. It was noted that the second page of the detail report did not print which caused some confusion with regard to the report. Staff will ensure that all pages are there in the future.

**b. Administrative Project Status Report**

The Board reviewed and discussed the Administrative Status Report

**Office Space** – The Executive Director advised the Board that the agency move is scheduled for November 28, 2009. She told the board that notice of the move will be on the website and that phone messages will also be changed to reflect the move. She told the Board that the Physical Therapy Board, who are also in the new building, have volunteered to take messages for us during the move period.

**Lawsuit** – The Executive Director advised the Board that there has been no further action regarding the software lawsuit. This will be the last report on this unless something comes to light.

**Risk Management** – The Executive Director reported the funds have been returned to the agency. Therefore this is the final report on this matter.

**Board Members** – There is no new information regarding the replacement of board members.

**Policies and Procedures** – The staff reported that they are continuing to identify potential items for development of policies and procedures.

**Attorney General's Public records request** – The Attorney General's Office has advised the staff that this project does not require any additional work. Therefore, this will be the final report on this unless something additional comes to light.

**Governor's Office – rule making** – there has been no change to the moratorium on rule making. However, a law was passed which will become effective November 24, 2009 which will open the rule making capability. However, there is the potential of a lawsuit being filed against the law which may put this on hold. Staff will continue to monitor this situation.

**OT/OTA fee study** – Board staff provided information on the number of licensees contained in the system. Additionally, Laura Beckman provided information that she had pulled from various states' websites regarding licensing. The various aspects were discussed including some fees being charged which Arizona does not charge. However, the rule making law prohibits adding cost to any licensee therefore, at this time it would not be possible to add fees.

**c. CEU credit question** – A question was submitted by a licensee asking if taking the exam to be a Certified Low Vision Therapist could be used for the continuing education requirement. After discussion the Board unanimously determined that taking this exam would not qualify for continuing education.

**d. Agency Operations** - The executive director reported that as the office prepares for the move, various records are being readied for sending to the state records retention office and the state's archives. There was a brief discussion regarding the difference between records and archived documents.

The executive director discussed the cost of mailing applications at the time of renewal. It was pointed out that these are sent as a courtesy as there is no requirement in law to do so. It was recommended that the office cease sending copies and instead direct the licensees to the website where copies can be obtained. This notice would include the availability of copies from the office should an individual not have access to the internet. Christine Rosenberg moved to adopt this recommendation which was seconded by John Tutelman and passed 4-0.

**Agenda items for next month's meeting – if any.**

Web bios  
Delegation of authority to the executive director – subpoenas.

**Call to the Public**

A call for public comment was issued by the Board with no response.

**Adjournment**

There being no further business before the Board, John Tutelman moved to adjourn which was seconded by Christine Rosenberg and passed 4-0. The meeting adjourned at 5:05 p.m.

Respectfully submitted,

Wendy H. Hammon  
Executive Director